

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



December 4, 1984

ALL-COUNTY LETTER NO. 84-124

• TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: DARCES V. WOODS

REFERENCE: ACIN 1-50-84

This is to inform you that on November 1, 1984 a judgment was issued in the Superior Court of Los Angeles County in the case of Darces v. Woods. A copy of the judgment is attached.

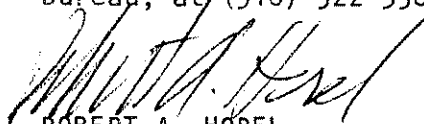
The judgment applies to AFDC and (1) requires the Department to allow for the needs of an undocumented minor in the home when determining the income of the minor's parent and (2) permanently enjoins the Department from assuming income to be available to the assistance unit which is not actually available because it is being used to meet the needs of the parent's unaided, undocumented minor child(ren). The judgment is effective November 1, 1984.

Specific instructions for computing eligibility and benefits in accordance with the terms of the Darces judgment are being developed and will be provided to you in a subsequent All-County Letter. In order to assist in the implementation once instructions are provided, counties must immediately begin to flag cases in which the following actions were or will be taken from November 1, 1984 forward:

- Applications denied or aid terminated for the sole reason of excess income where the family includes an unaided, undocumented alien minor.
- Suspensions and grant reductions in continuing cases due to an increase in the parent's income when there is an unaided, undocumented alien minor in the family.

In addition, when the county is taking case actions other than those mentioned above, but determines that the case could be affected by the Darces judgment, that case must also be flagged. In order to ascertain county compliance, we request that you complete and return the attached certification form no later than two weeks following receipt of this letter.

If you have any questions, please call Mara Jukich, AFDC Program Development Bureau, at (916) 322-5387.



ROBERT A. HOREL
Deputy Director

Attachments

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 ANNE S. PRESSMAN,
Supervising Deputy Attorney General
3 ELIZABETH HONG,
Deputy Attorney General
4 3580 Wilshire Boulevard, Suite 800
Los Angeles, California 90010
5 Telephone: (213) 736-2324
6 Attorneys for Respondent/Defendant
Marion Woods, Dir. of Dept. of
7 Social Services

ORIGINAL FILED

NOV 1 1984

COUNTY CLERK

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF LOS ANGELES

10

11 BERNADETTE DARCES,) NO. 320559
)
12 Petitioner/Plaintiff,) COUNTER PROPOSED JUDGMENT
) GRANTING PEREMPTORY WRIT
13 v.) OF MANDATE AND ORDER
) GRANTING MOTION FOR
14 MARION WOODS, Director of California) SUMMARY JUDGMENT
Department of Social Services,)
15) Date: Nov. 1, 1984
Respondent/Defendant.) Time: 9 a.m.
16) Dept.: 23

17 The above entitled case came on for hearing regarding
18 the issuance of a new judgment following reversal and remand on
19 November 1, 1984, at 9 a.m., in Department 23 of the above entitled
20 court before the Honorable Leon Savitch. Byron J. Gross, Legal Aid
21 Foundation of Los Angeles and Melinda R. Bird, Western Center on
22 Law and Poverty, Inc., appeared on behalf of petitioner/plaintiff
23 Bernadette Darces. Elizabeth Hong, Deputy Attorney General,
24 appeared on behalf of respondent/defendant Linda McMahon as
25 successor to Marion Woods, Director of the California Department of
26 Social Services.

27 IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

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1 4. That the right to and amount of attorneys' fees
2 to be awarded to petitioner/plaintiff shall be determined in a
3 separate proceeding by this court.

4 IT IS SO ORDERED.

5 DATED: NOV 01 1984.

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LEON SAVITCH

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LEON SAVITCH
JUDGE OF THE SUPERIOR COURT

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State of California
Health and Welfare Agency

Department of Social Services

DARCES V. WOODS

I hereby certify that the County of _____, State of California, began to flag or otherwise identify all cases in which, since November 1, 1984, the parent's income resulted in a denial, termination, suspension, or reduction of AFDC, and there is an unaided, undocumented alien child in the family.

Your Name/Title (PRINT)

Date

Signature

Return completed form to:

Department of Social Services
AFDC Program Development Bureau
744 P Street, M.S. 16-25

Attention: Betty Gilmore